



MINNESOTA BOARD OF PHYSICAL THERAPY

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Public Board Meeting

May 12, 2016

MINUTES

Of a meeting of the Minnesota Board of Physical Therapy held Thursday, May 12, 2016 beginning at 4:11 PM at University Park Plaza, 2829 University Avenue SE, Minneapolis, MN in 4th floor Conference Room A

Members present: Linda Gustafson, PT (president) [via telephone]; Debra Sellheim, PT (vice president); Christopher Adams, PTA (secretary); Bruce Idelkope, MD; Julia McDonald, PTA; Kimberly McGarry, PT; Samantha Mohn-Johnsen, PT; Debra Newel, Public Member; Kathy Polhamus, Public Member; Steven Scherger, PT

Staff present: Erin DeTomaso, Assistant Director; Marshall Shragg, Executive Director; Troy Blackford, Executive Assistant

Assistant Attorney General present: Nick Lienesch

Guest present:

PUBLIC SESSION

BOARD MATTERS

- 1. Call to Order, Roll Call, 2016 Meeting Schedule, Updated Communications (Contact List).** The meeting was called to order at 4:11p by President Linda Gustafson. The 2016 Board meeting schedule was reviewed. Roll call was taken.
- 2. Minutes of March 10, 2016 Board Meeting.** Minutes of the March 10, 2016 were approved as amended.
- 3. Presentation - Impact of *Federal Trade Commission v NC Board of Dentistry on Boards*:** presentation by AAG Nick Lienesch. Decided in February 2015, has implications for state boards. Action at issue: sending cease and desist letters to non-licensed providers doing whitening procedures, effectively ending this practice in the state of NC. However, NC didn't have specific statutory authority establishing whitening procedures under Dentistry, or permitting cease and desist actions. The FTC felt this put the licensing board afoul of anti-trust laws. The issue at stake was the board's entitlement to government immunity as state actors. The Supreme Court ruled that board members practicing in the field covered by the board are not immune. Key takeaways: be especially aware that the Board is acting strictly pursuant to its statutory authority, and make every effort to be sure the Board is acting in the public interest.

4. Executive Director's Report: Marshall Shragg

- Introduced Troy Blackford as temporary staff, assisting with Board operations.
- Made presentations to graduating PT and PTA classes.
- The Criminal Background Check program will be expanding to the other boards. Recently implemented a money-saving process, replacing the paper packet that needs to be mailed with an e-mailed packet.
- Expenditures and revenue. Reviewed highlights with the Board.
- Updates on the legislation: supplemental budget proposed is in Conference Committee right now. The bills for the massage and bodyworks, as well as orthotics and prosthetics, are also being considered. The athletic trainers bill is dead for this session.
- Put statute review on next Board meeting agenda (August 4th).

COMMITTEE MATTERS

5. Administration/Personnel Committee: Linda Gustafson, Chair

- Committee to meet immediately following Board meeting.

6. Complaint Review Committee: Linda Gustafson, Chair

- Marshall Shragg raised an issue about anonymous complaints. Complaint submission process requires that someone submit a written complaint and that the complaint be signed and notarized.
- Linda Gustafson stated that it is the Board's responsibility to move forward, and after a critical examination, process anonymous complaints as we would any other by, for example, having a staff member file the complaint. Also, she suggested we consult with the Medical Board to learn their process.
- It was agreed that the need for a notary creates a barrier to the complaint process. Checking with other states' PT Boards through FSBPT for their process might be of value.
- Marshall will check with the Executive Directors of the other Licensing Boards. He will bring a revised complaint form to the Complaint Review Committee and the Board at the next meeting.

7. Continuing Education Committee: Kim McGarry, Chair

- Approved 55 courses for full credit requested; 5 for less than requested. One submission was held for issues; one was denied. One was withdrawn.
- Completed 66 CE audits without finding any issues.

8. HPSP: Kathy Polhamus, Liaison

- The Program Committee met May 10, 2016, with all boards represented. A primary topic was reconsideration of background checks on public members of the Advisory Committee. The vote, ultimately, was nearly unanimous that they would *not* do background checks.
- Governance Workgroup will meet June 9th.

9. Legislative and Policy Committee: Deb Newel, Chair

- Met May 9th. Discussion of uncertainty that the interstate licensure compact is a public protection issue, so the Committee decided it would be better for MNPTA to move forward if they desire.
- Discussed possible exemption from state licensure for PTs for a few situations including when employed by entertainers and athletic teams traveling into Minnesota. Marshall will draft language for the Committee to review at the next meeting, and they will consider it for possible presentation to the Board.

- Intended to discuss the Practice Act, but statute-by-statute review was tabled to resume addressing at the July 20th, 2016 meeting.

10. Licensure Committee: Deb Sellheim, Chair

- Two applicants had conferences.
- Several applicants had ‘yes’ responses to the self-disclosure questions on applications and renewals that were addressed by the Committee.
- Approval for licensure of Physical Therapists #1-#30 and Physical Therapist Assistants #1-#5: March 12, 2016 through May 14, 2016.

MOTION (Sellheim)—

All in favor. Motioned passed (licenses approved).

- Board denial of licensure to PTA applicant ‘A,’ who did not achieve passing score on the NPTE.

MOTION (Sellheim)—

All in favor. Motion passed (licensure denied).

- Discussion of potential revision of the ‘Certification of Education’ forms scheduled for August.

MISCELLANEOUS MATTERS

11. FYI: *Conferences/Travel*

- Samantha and Marshall are scheduled to attend the FSBPT LIF meeting 7/29/16 – 8/1/2016 in Alexandria, VA (at FSBPT expense).
- Discussion of who may wish to attend the Fall FSBPT Annual Conference in Columbus, OH November 3-5, 2016. Those interested should email Marshall.

12. Other Agenda Items

- Marshall distributed a memo referencing the biennial budget, especially with regard to Achievement Awards and salary increases. According to the Managerial Plan, a \$2,000 achievement award is available to, and is budgeted for Marshall Shragg. Debra Sellheim suggested deferring to the open session after the closed session. Linda supported continued discussion after the closed session of the Board meeting.

Board meeting recessed to CLOSED session

EXECUTIVE SESSION

- 13. Mark Locken, PTA. MOTION to adopt the Stipulation and Order** presented by Complaint Review Committee. Case discussed.
- All in favor: Order Adopted.
- 14. Mandi Schultz, PT. MOTION to adopt the Stipulation and Order** presented by Complaint Review Committee. Case discussed.
- All in favor: Order Adopted.
- 15. David Wieber, PT. MOTION to adopt the Stipulation and Order** presented by Complaint Review Committee. Case discussed.
- All in favor: Order Adopted.
- 16. Steven Spoolman, PT. MOTION to adopt the Stipulation and Order** presented by Complaint Review Committee. Case discussed.
- All in favor: Order Adopted.
- 17. Personnel Review, materials provided at meeting.**
- Discussion re: 2015-16 performance of Executive Director

Board meeting reconvened to OPEN session


The Board again took up discussion on the matter of offering an Achievement Award to the Board's Executive Director. Note: the Managerial Plan Achievement Award is *not* merit-based.

MOTION (Idelkope) to provide the Executive Director with the FY2016 Achievement Award in the amount of \$2,000. Seconded (Mohn-Johnsen).

- In favor: 4
- Opposed: 5
- Abstain: 1

The motion did *not* pass. The award will not be issued.

Meeting adjourned at 6:40p.



Christopher Adams, PTA, Secretary
Minnesota Board of Physical Therapy

August 4, 2016
DATE